



CITY COUNCIL AGENDA REPORT

MEETING DATE: July 20, 2021 **ITEM NUMBER:** NB-1

SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE AMENDING RESIDENCY REQUIREMENT FOR MEMBERS OF THE PLANNING COMMISSION, AMENDMENT OF COUNCIL POLICY 000-2 AND REPEAL OF COUNCIL POLICY 000-2.5

DATE: July 13, 2021

FROM: CITY MANAGER'S OFFICE

PRESENTATION BY: BRENDA GREEN, CITY CLERK

FOR FURTHER INFORMATION CONTACT: Brenda Green, City Clerk, (714) 754-5221

RECOMMENDATION:

Staff recommends the City Council:

1. Introduce for first reading, by title only, Ordinance 2021-xx of the City Council of the City of Costa Mesa, California, amending Section 13-10 (Planning Commission) of Article 3 (Review Authorities) of Chapter I (In General) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code (Attachment 1).
2. Adopt revised Council Policy 000-2 (Attachment 2).
3. Repeal Council Policy 000-2.5 (Attachment 3).

BACKGROUND:

At the April 2, 2019 City Council meeting, the City Council approved Ordinance No. 19-05 increasing the number of Planning Commissioners from five (5) to seven (7), and changing the method of selection of Planning Commissioners to one (1) member from each electoral district of the City and one (1) at-large member. At the City Council meeting of June 1, 2021, Mayor Stephens requested that staff agendize a possible revision to the Planning Commission Ordinance to eliminate the requirement that Planning Commissioners live in the district of the Council Member appointing them.

ANALYSIS:

Planning Commission

Presently, the Planning Commission consists of seven (7) members, one Planning

Commissioner for each electoral district of the City and one at-large member appointed by the Mayor, with each member of the City Council having the right to nominate a Planning Commissioner, who is then subject to approval of a majority vote of the entire City Council. The terms of Planning Commissioners expire shortly after the terms of their appointing Council Members or the Mayor, such that, following each election, the newly elected Council Members and Mayor may appoint the Planning Commissioner for their districts and the at-large seat. Thus, the at-large seat is a two year term while the other seats are for four years.

Since the adoption of Ordinance No. 19-05 in early 2019, several individuals appointed to the Planning Commission were unable to complete their terms due to moving or desiring to move to a different district within the City. In addition, while many council members may desire to appoint a commissioner from within their own district, others may prefer to appoint someone who lives in another district. Under the present system, this cannot occur.

The proposed amendment would remove any requirement that Planning Commissioners live in a particular district of the City, so long as they are City residents and a qualified elector at the time the member is nominated and appointed and for the duration of their term. This would not prevent any Council Member from appointing a Planning Commissioner from their own district, or from preferring candidates who reside in their district. It would simply open the field of candidates to any registered voter in the City. There would be no change to the terms of the existing Planning Commissioners as a result of this modification. A redline of the proposed changes to Section 13-10 of the Costa Mesa Municipal Code relating to the Planning Commission is included as Attachment 4.

Additionally, staff recommends that existing Council Policy Number 000-2.5, dealing with appointment and terms of Planning Commissioners and the previously named Parks and Recreation Commission, be repealed in its entirety as the ordinances adopted by the City Council cover the appointment and terms of both the Planning Commission and the Parks, Arts and Community Services Commission. Thus, Council Policy Number 000-2.5 which is currently inconsistent with adopted ordinances is no longer necessary.

Finally, staff recommends that the City Council adopt revised Council Policy 000-2 which relates to the creation of committees and boards, appointment and terms of members, vacancies and annual reporting to the City Council. Repeal of Policy 000-2.5 and revision of Policy 000-2 will make the Council Policies regarding committees consistent with adopted ordinances and clarify current provisions.

ALTERNATIVES CONSIDERED:

1. The City Council may choose to change or add language to the proposed ordinance or Council Policies; or

2. The City Council could choose to keep the Planning Commission Ordinance and/or either Council Policy as is.

FISCAL REVIEW:

There is no fiscal impact from this ordinance change.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and prepared the proposed ordinance and the revisions to Council Policy 000-2.

CONCLUSION:

Staff recommends the City Council:

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BRENDA GREEN
City Clerk

LORI ANN FARRELL HARRISON
City Manager

CAROL MOLINA
Finance Director

KIMBERLY HALL BARLOW
City Attorney

- ATTACHMENTS:**
- 1 [Ordinance No. 2021-xx, Planning Commission](#)
 - 2 [Draft Council Policy No. 000-2](#)
 - 3 [Current Council Policy No. 000-2.5](#)
 - 4 [Redline of Section 13-10 of Costa Mesa Municipal Code](#)
 - 5 [Current Council Policy No. 000-2](#)